

*Legal Dept
(Penny Law)
Not a citizen*

STATINTL

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4 November 1947

**Citizenship and Nationality
Foreign Born Children**

1. We refer to your memorandum of 22 September 1947, which forwarded a copy of [redacted] and of an opinion submitted by the Vice Consul in [redacted]

2. We have had the situation reviewed here and discussed the problem generally with the Immigration and Naturalization authorities. We feel it is unlikely that the position taken by the Vice Consul and the ingenious arguments used to support it will be accepted by the Department of State or the Immigration and Naturalization authorities. The Department will, however, no doubt answer the Vice Consul, stating its views. The legal case and not subject to re-interpretation. Although they are persuaded by the Vice Consul to think that the fault may be in bad draftsmanship rather than any intent of Congress to have an unfair rule apply to such cases as the one presented.

3. We imagine the Vice Consul has already informed the parent involved, but, for your information, we believe there is a satisfactory solution under a provision of law which will permit the citizen father on return to this country to bring his wife and child in on a non-quota basis. He may then immediately petition for naturalization of the child, and no declaration of intention or period of residence in the United States is required. This procedure would effect naturalization in short order at any time prior to the child's eighteenth birthday. The only alternative is the most uncertain hope of an amendment to the law, which would cover the facts as stated in your correspondence.

KPP
ADMIN

LRH

HR